

App. No. 09/576,706
Amendment mailed August 25, 2003
Re: Office Action mailed May 23, 2003

REMARKS

In response to the Office Action mailed May 23, 2003, the Applicant respectfully requests that the Examiner enter the above amendments and consider the following remarks. Claims 21 and 28 have been amended. As a result, claims 21-40 are still pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the amendments and accompanying remarks.

Rejection of Claims 21-40 Under 35 U.S.C. § 112

The Examiner rejected claims 21-40 under 35 U.S.C. § 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention at the time the application was filed. In particular, the Examiner asserted that there is no support in the specification for the following limitations: 1) "such that a pelletizing step is eliminated"; 2) "transferring said composite directly"; and 3) "final shape". The Applicant respectfully traverses the rejection.

Regarding the Examiner's assertion that a negative limitation requires explicit antecedent basis, the Applicant refers again to Ex parte Parks, 30 U.S.P.Q.2d 1234 (1993), in which the Board of Patent Appeals and Interferences ruled that an adequate description under 35 U.S.C. § 112, first paragraph, does not require literal support for the claimed invention. Nevertheless, in order to expedite prosecution of this case, the

App. No. 09/576,706
Amendment mailed August 25, 2003
Re: Office Action mailed May 23, 2003

Applicant has amended claims 21 and 28 to remove the terminology that the Examiner asserts is new matter. Therefore, the Applicant respectfully submits that the specification supports claims 21-40 in accordance with 35 U.S.C. § 112, first paragraph.

Rejection of Claims 21-27 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 21-27 under 35 U.S.C. § 102(b) as being anticipated by Laver, with Prutkin, Motegi et al., or Beshay cited as teaching references. The Applicant respectfully traverses the rejection. Neither Laver nor the secondary references teach a method of making a siding panel with the composite of the present invention. Therefore, the Applicant respectfully submits that Laver, with Prutkin, Motegi et al., or Beshay, cannot support the rejection of claims 21-27 under 35 U.S.C. § 102(b).

Rejection of Claims 28-40 Under 35 U.S.C. § 102(e) or 103(a)

The Examiner rejected claims 28-40 under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Cope '016, Cope '927, or Cope '680, in view of Waki et al. or Brandt. The Applicant respectfully traverses the rejection. The references alone, or in combination, do not teach or suggest the method of making a siding panel with the composite of the present invention. Therefore, the Applicant respectfully submits that Cope '016, Cope '927, or Cope '680, in view of Waki et al. or Brandt cannot support the rejection of claims 28-40 under 35 U.S.C. § 102(e) or 103(a).

Rejection of Claims 28, 31, 34-36, and 39 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 28, 31, 34-36, and 39 under 35 U.S.C. § 102(b) as being anticipated by Schinzel et al. The Applicant respectfully traverses the rejection. Schinzel et al. fails to teach a method of making a siding panel using a composite of the present invention. Therefore, the Applicant respectfully submits that Schinzel et al. cannot support the rejection of claims 28, 31, 34-36, and 39 under 35 U.S.C. § 102(b).

Rejection of Claims 21-27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 21-27 under 35 U.S.C. § 103(a) as being unpatentable over Laver in view of Prutkin, Motegi et al., or Beshay. The Applicant respectfully traverses the rejection. These references also fail to suggest a method of making a siding panel with a composite of the present invention. Therefore, the Applicant respectfully submits that Laver in view of Prutkin, Motegi et al., or Beshay cannot support the rejection of claims 21-27 under 35 U.S.C. § 103(a).

Rejection of Claims 28-40 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 28-40 under 35 U.S.C. § 103(a) as being unpatentable over Laver in view of Cope '016, Cope '927, Cope '680, or Schinzel et al., further in view of Waki et al. or Brandt, even further in view of Prutkin. The Applicant respectfully traverses the rejection. None of the cited references, alone or in combination, teach or suggest a method of making a siding panel using a composite of

App. No. 09/576,706
Amendment mailed August 25, 2003
Re: Office Action mailed May 23, 2003

the present invention. Therefore, the Applicant respectfully submits that the cited references cannot support the rejection of claims 28-40 under 35 U.S.C. § 103(a).

Double Patenting

The Examiner rejected claims 21-25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 11-19 of U.S. Patent No. 6,498,205. The Applicant respectfully requests the Examiner to hold the double patenting rejection in abeyance until allowable subject matter is indicated.

Conclusion

The Applicant has distinguished claims 21-40 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

Date: 8/25/03

Jeffrey C. Norris

Jeffrey C. Norris
Registration No. 42,039
Standley & Gilcrest LLP
495 Metro Place South
Suite 210
Dublin, Ohio 43017-5319
Telephone: (614) 792-5555
Fax: (614) 792-5536